

REMARKS

With the cancellation of claims 7-9, claims 1-6 and 10-24 are pending. Claim 1 has been amended. The lower limit of the deposition amount of the easily slipping layer is at least supported by original claim 9 and paragraph [0087] of the publication of the present application, US 2006/0063008 (hereinafter referred to as "the '008 publication"). The upper limit of the deposition amount of the easily slipping layer is at least supported by Examples 2, 4, and 12; Table 1. The limitation "the easily slipping layer containing the lubricant component 10 to 60% by weight in 100% by weight of the layer is provided on an easily slipping face" is at least supported by paragraphs [0024] and [0072] of the '008 publication and original claim 8. The amendment regarding the type of the binder resin is at least supported by paragraph [0085] of the '008 publication and original claim 7. No new matter has been introduced.

Claim Rejection under 35 U.S.C. §103

Applicants respectfully traverse the obviousness rejection of claims 1-10 and 16-24 over Tabota et al. (US 6,663,929) in view of Totani et al. (JP 2002-166509) under 35 U.S.C. §103(a). Claims 7-9 have been cancelled, rendering the rejection of claims 7-9 moot.

Claim 1 has been amended to recite a heat-shrinkable polyester type film comprising an easily slipping layer, wherein the deposition amount of the easily slipping layer is 0.002 to 0.02 g/m². If the deposition amount of the easily slipping layer is too large, the transparency of the film is reduced, the adhesion property by a solvent deteriorates, and wear debris tend to be generated easily. See the '008 publication, paragraph [0087]. The upper limit, 0.02 g/m², of the deposition amount of the easily slipping layer corresponds to a thickness of 0.02 μm if the specific gravity is 1 (the film contains polyester and oil contents, wherein the film is composed mainly of materials lighter than water. The specific gravity of the polyester is about 1.4.). On the other hand, the ink layer of Tabota and the surface layer of Totani are much thicker than 0.02 μm.

Tabota discloses that the ink layer may preferably have a thickness of 0.1 to 100 μm (column 6, lines 22-23). Each example of Tabota showed an ink layer that was as thick as 10 μm . See, e.g., column 17, lines 8-9; column 18, line 25. Furthermore, Tabota teaches away from having an ink layer that is less than 0.1 μm thick, stating that the development of ink color will become insufficient if the thickness of the ink layer is less than 0.1 μm (column 6, lines 23-24). Therefore, a person of ordinary skill in the art would not have motivation to modify the ink layer of Tabota to have a thickness of 0.02 μm or less, which corresponds to 0.02 g/m^2 deposition amount of the easily slipping layer recited in claim 1 when the special gravity is 1.

Applicants note that the ink layer of Tabota can afford to be thick because the ink layer of Tabota need not undergo solvent adhering. Usually, after a film is cut into labels, both end portions of the labels are allowed to adhere to form a cylindrical shape. An ink layer is usually not provided on the end portions of the labels. If such a thick easily slipping layer is formed all over the film of the present invention, it would be impossible to carry out solvent adhering.

Like the film of Tabota, the film of Totani also has a thick surface layer. Each example of Totani showed a surface layer that had a thickness corresponding to 10% to 20% of the film thickness, 0.3 mm (i.e., 300 μm). See paragraph [0054], Tables 5 and 6. This may be caused by the fact that the surface layer of Totani is formed by a co-extrusion method, not by a coating method. In summary, Tabota in view of Totani fails to teach or suggest a heat-shrinkable polyester type film comprising an easily slipping layer, wherein the deposition amount of the easily slipping layer is 0.002 to 0.02 g/m^2 (corresponding to a thickness of 0.002 to 0.02 μm when the special gravity is 1), as recited in claim 1. This is one of the reasons that the obviousness rejection should be withdrawn.

Claim 1, as amended, also recites that the amount of the lubricant component in the easily slipping layer is 10 to 60% by weight. The easily slipping layer of the claimed heat-shrinkable polyester-type film, containing 10 to 60% by weight lubricant, improves

the surface slipping property of the film and prevents clogging in automatic vending machines. Neither Tabota nor Totani discloses or suggests this limitation.

The thick ink layer of Tabota is formed by printing. Tabota merely mentions that the printed ink layer may contain lubricants but is silent on the amount of the lubricants included in the ink layer (see column 6, lines 15-17). Indeed, there is almost no possibility that 10 wt% or greater of lubricants may be added to the thick ink layer of Tabota. Totani teaches a layered film obtained by a co-extrusion method. The maximum amount of the lubricants (i.e., components c1, c2, and c3) in the Examples of Totani was 0.45 (i.e., $0.10 + 0.15 + 0.20$) parts by weight while the surface layer was about 100 parts by weight (see Example 7 in Table 6). Therefore, the amount of the lubricants in the surface layer of Totani (about 0.45% by weight) is much smaller than the amount of the lubricant component (10 to 60% by weight) in the easily slipping layer in the present invention, as recited in claim 1.

Therefore, the films of both Tabota and Totani contain a small amount of lubricant in the thick surface layer. A film having such a feature, unlike the claimed heat-shrinkable polyester type film, would not have satisfactory slipping properties so as to prevent clogging in an automatic vending machine, which is one of the objectives of the present invention. The failure of Tabota and Totani to disclose or suggest the claimed range of the lubricant amount in the easily slipping layer is another reason that the obviousness rejection should be withdrawn.

In addition, the surface layer of Totani is based on a styrene-type resin to which a small amount of lubricant(s) is added and the mixture is co-extruded to form a film. The film of Totani is not a polyester-type film, as recited in claim 1, but a polystyrene-type film.

For at least these reasons, the claimed invention would not have been obvious over Tabota in view of Totani. Withdrawal of the rejection of claims 1-6 and 16-24 under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

The Examiner is encouraged to contact the undersigned regarding any questions concerning this amendment. In the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The Commissioner is authorized to debit Deposit Account No. 11-0600 the petition fee and any other fees that may be required in relation to this paper.

Respectfully submitted,
KENYON & KENYON LLP

Dated: February 16, 2011

By: /Qi Zhao/
Qi Zhao
Reg. No. 64,129

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
(202) 220-4200 (telephone)
(202) 220-4201 (fax)

Customer No. 23838